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Of Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CLACKAMAS COUNTY,
Plaintiff,
v.

Case No. CV '04 627 JE

OREGON ADVOCACY CENTER,
Defendant.

**Notice of Removal of Action
Under 28 U.S.C. §1441(B) (Federal
Question)**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant OREGON ADVOCACY CENTER removes to this Court the state action described below.

1. On April 15, 2004, an action was commenced in the Circuit Court of Clackamas County for the State of Oregon, entitled: Clackamas County v. Oregon Advocacy Center. A copy of the Complaint is attached as Exhibit A, and by this reference incorporated herein.

**PAGE 1 - Notice of Removal of Action
Under 28 U.S.C. §1441(B) (Federal Question)**

OREGON ADVOCACY CENTER
620 S.W. 5TH AVENUE, 5TH FL.
PORTLAND, OR 97204-1428
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1 2. The Oregon Advocacy Center became aware of this case on April 21, 2004.
2 Defendant has been served with a copy of the Summons and Complaint. This petition
3 for removal is filed within 30 days from the date the moving defendants received a copy
4 of the initial pleading filed in State Court.
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7 3. The Defendant has not filed a responsive pleading in Clackamas County Circuit
8 Court for the State of Oregon.
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10 4. This is a civil action of which this Court has original jurisdiction under 28 U.S.C.
11 §1331 and is one that may be removed to this Court by the defendant herein, pursuant
12 to the provisions of 28 U.S.C. § 1441, 1443, and 1446, in that the claims seek
13 declaratory judgment concerning federal laws, including: the Protection and Advocacy
14 for Individuals with Mental Illness Act 42 U.S.C. §§ 10801 *et seq.* (PAIMI Act); the
15 Health Insurance Portability and Accountability Act of 1996 (HIPAA); and the Protection
16 and Advocacy of Individual Rights (PAIR) Program of the Rehabilitation Act of 1973, 29
17 U.S.C. 794e..
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21 5. This notice is signed pursuant to Fed. R. Civ. P. 11.
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23 / / /

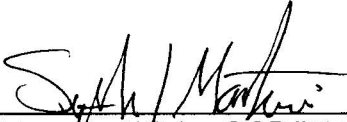
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27 **PAGE 2 - Notice of Removal of Action**
28 **Under 28 U.S.C. §1441(B) (Federal Question)**

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1 DATED this 7th day of May, 2004.

2
3 Respectfully submitted,
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7 
8 Kathleen L. Wilde, OSB#97105
9 Stephen J. Mathieu, OSB #98003

10 Of Attorneys for Defendant
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